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At the Court at *Kenſington*,

The Second Day of *October*, 1721.

PRESENT,

The Kings moſt Excellent Majeſty in Council.

UPON reading this Day at the Board Two Petitions of the United Company of Merchants Trading to the *Eaſt-Indies*, ſetting forth, That Ships have frequently been ſent out from *Great Britain*, and from the *Britiſh* Plantations in *America*, under pretence of Trading to *Guinea* for Slaves, which have carried great Quantities of Arms and Ammunition, Stores, and Proviſions to *Madagaſcar*, within the Limits of the Petitioners Charter, where the Pirates often make their Rendezvous; and thereby ſupply the Pirates, enabling them to continue longer in thoſe Seas than otherwiſe they could without ſuch Supports; That they exchange ſuch Ammunition and Stores with the Pirates at very high Rates for *Indian* Goods, which the Pirates having no Occaſion for, do therefore part with for little; Theſe Goods they diſpoſe of at good Prices in His Majeſties Colonies in the *Weſt-Indies*; That they have alſo an Opportunity of purchaſing Slaves at *Madagaſcar*, which they ſell for great Profit in the ſaid *Weſt-Indies*, although the Legiſlature did not think fit to allow the Company to ſend Slaves thither, for fear of filling the Plantations with *India* Goods; That the Petitioners have likewiſe received Advices of an *Oſtend* Ship from the *Eaſt-Indies*, importing at *Barbadoes* in *March* laſt, with an *Engliſh* Captain and Supra-Cargoes on board, who, under pretence of refitting her, ſold conſiderable Quantities of *China* and *Indian* Goods at ſuch Cheap Rates, that they drain'd the Iſland of a great Parcel of Money; That it was reported there, other of the like Ships would follow; That by the Laws in being they humbly apprehend, no Ships ought to be allow'd to trade to any of His Majeſties *American* Colonies, except thoſe of His Majeſties Subjects, nor to carry Goods for Sale, except from *Great Britain*; That the Admiſſion of Foreigners to trade in thoſe Colonies, is very detrimental to the Navigation of this His Majeſties Kingdom, to His Majeſties Revenue, and to the *Britiſh* Subjects trading thither, as well as to the Petitioners; That unleſs ſome effectual Remedy be ſpeedily applied, they have great reaſon to fear the Miſchief will ſpread it ſelf to others of the ſaid Colonies, to the enriching of Foreigners, and impoveriſhing His Majeſties Subjects; and humbly Praying for Relief in the Premiſſes: His Majeſty in Council taking into His moſt Gracious Conſideration the Contents of the ſaid Petitions, and the Pernicious Conſequences that would attend the unlawful Practices therein complained of (which muſt unavoidably deſtroy a moſt conſiderable Branch of the Trade of this His Majeſties Realm, carried

ried on by the Petitioners, is pleaſed to Order; and it is hereby Ordered, That His Majeſties Commiſſioners for Trade and Plantations do prepare an Inſtruction to be laid before His Majeſty in Council, for His Royal Approbation, ſtrictly requiring and commanding all Governors and Commanders in Chief of His Majeſties Colonies and Plantations in *America*, and every of them, in their reſpective Governments and Diſtricts, duly and ſtrictly to obſerve, and cauſe to be obſerved, the ſeveral good Laws and Statutes now in Force, for the regulating of Trade and Navigation; particulary an Act made in the Twelfth Year of the Reign of King *Charles* the Second, Intituled, *An Act for the Encouraging and Increaſing of Shipping and Navigation*; an Act made in the Seventh and Eighth Years of King *William* the Third, Intituled, *An Act for preventing Frauds and regulating Abuſes in the Plantation Trade*; an Act made in the Ninth and Tenth Years of the ſaid Kings Reign, Intituled, *An Act for raiſing a Sum not exceeding Two millions, upon a Fund for Payment of Annuities after the Rate of Eight Pounds* per Centum per Annum, *and for the Settling the Trade to the* Eaſt-Indies; an Act made in the Eleventh and Twelfth Years of the Reign of the ſaid King, Intituled, *An Act for the more effectual Suppreſſion of Piracy*; an Act made in the Fourth Year of the Reign of His preſent Majeſty, Intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportations of Felons and Exporters of Wooll, and for declaring the Law upon ſome Points relating to Pirates*; an Act made in the Fifth Year of the Reign of His preſent Majeſty, Intituled, *An Act for the better ſecuring the Lawful Trade of His Majeſties Subjects to and from the* Eaſt-Indies, *and for the more effectual preventing all His Majeſties Subjects trading thither under Foreign Commiſſions*; and an Act made in the Seventh Year of His preſent Majeſty, Intituled, *An Act for the further preventing His Majeſties Subjects from trading to the* Eaſt-Indies *under Foreign Commiſſions, and for encouraging and further ſecuring the Lawful Trade thereto, and for further regulating the Pilots of* Dover, Deal, *and the Iſle of* Thanet; (a Copy of which laſt mentioned Act is to be ſent with the ſaid Inſtruction to all Governors and Commanders in Chief) and by the ſaid Inſtruction is to be made known unto them His Majeſties fixt and determined Will and Reſolution, That ſuch of them as ſhall be found Negligent or Remiſs in their Duty in an Affair of ſo great Importance to His Majeſties Service, and to the Welfare of His Subjects, ſhall, for ſuch Offence, not only be immediately removed from their Employments, and liable to the Fine of One thouſand Pounds, and other Fines and Forfeitures, Pains and Penalties, inflicted by the ſeveral Laws now in being relating thereunto, but ſhall alſo receive the moſt rigorous Marks of His Majeſties higheſt Diſpleaſure, and be proſecuted with the utmoſt Severity of Law. And the ſaid Commiſſioners are to inſert in the ſaid Inſtruction ſeveral Clauſes to the Effect following, That in order to the better Execution of the Laws and Statutes above mentioned, the ſaid Governors or Commanders in Chief, and every of them, ſhall, upon the firſt Notice they ſhall receive of the Arrival, within the Limits of any Port of or belonging to their reſpective Governments or Diſtricts, of any Ship or Ships which have, or are ſuſpected to have, on board any Goods or Commodities, or any Negroes, of the Growth, Produce, or Manufacture of the *Eaſt-Indies*, *Madagaſcar*, or any other Parts or Places beyond the Cape of *Bona Eſperanza*, within the Limits of Trade granted to the ſaid United Company, purſuant to the forementioned Act of the Ninth and Tenth Years of the late King *William*, they ſhall immediately

diately cauſe the Officers of His Majeſties Cuſtoms for ſuch Diſtrict, and any other Officers or Perſons in Aid of them, to go on board ſuch Ship or Ships, and to viſit the ſame, and to examine the Maſters or other Commanders, the Officers, and the Sailors on board ſuch Ship or Ships, and their Charter-Parties, Invoices, Cocquets, and other Credentials, Teſtimonials, or Documents; and if they find that ſuch Ship or Ships came from the *Eaſt-Indies*, *Madagaſcar*, or any other Parts or Places beyond the Cape of *Bona Eſperanza*, within the Limits of Trade granted to the ſaid United Company, and that there are on board any ſuch Goods, Commodities, or Negroes, as is above mentioned, that they do give Notice to the Maſter, or other Perſon having then the Command of ſuch Ship or Ships, forthwith to depart out of that His Majeſties Colony or Plantation, without giving them any Relief, Support, Aid, or Aſſiſtance, although it ſhould be pretended that ſuch Ship or Ships were, or the ſame really ſhould be, in Diſtreſs, Want, Diſability, Danger of Sinking, or for or upon any other Reaſon or Pretence whatſoever; and that ſuch Governor or Commander in Chief do by no Means ſuffer any Goods, Merchandize, or Negroes, from on board ſuch Ship or Ships, to be landed or brought on Shore upon any Account or Excuſe whatſoever: And that if any ſuch Ship or Ships, being Foreign, having on board any Goods, Merchandize, or Negroes, do not, upon Notice given to the Maſter, or other Perſon having the Command thereof, as ſoon as conveniently may be, depart out of ſuch Colony or Plantation, and from the Coaſts or Shores thereof, without Landing, Selling, or Bartering any of the ſaid Goods or Negroes, ſuch Governor or Commander in Chief ſhall cauſe the ſaid Ship or Ships, and Goods and Negroes, to be ſeized, and proceeded againſt according to Law. But if ſuch Ship or Ships, having ſuch Goods or Negroes on board, and entring into any Port or Place, or coming upon any of the Coaſts or Shores of His Majeſties Plantations or Colonies in *America*, do belong to His Majeſties Subjects, and do break Bulk, or ſell, barter, exchange, or otherwiſe diſpoſe of the ſaid Goods or Negroes, or any Part thereof, contrary to Law, ſuch Governor or Commander in Chief is to take Care, that ſuch Ship or Ships, with the Guns, Tackle, Apparel, and Furniture thereof, and all Goods and Merchandize laden thereupon, and the Proceed and Effects of the ſame, be immediately ſeized; and that the Laws in ſuch caſe made and provided, be put in Execution with the greateſt Care, Diligence, and Application: But if any Ship belonging to the Subjects of any Foreign State or Potentate, having on board any Negroes or *Eaſt-India* Commodities, ſhall be actually bound to ſome Port or Place in the *Weſt-Indies* belonging to any Foreign Prince or State from ſome *European* Port, and ſuch Ship ſhall happen to be driven in by Neceſſity, and be in real Diſtreſs, the ſame may be ſupplied with what is abſolutely neceſſary for her Relief: But the Governor or Commander in Chief aforeſaid ſhall not take, have, or receive, nor permit or ſuffer any Perſon to take, have, or receive any Negroes, or other the ſaid *Eaſt-India* Commodities, in Payment or Satisfaction for ſuch Relief: That if any Officer of His Majeſties Cuſtoms, or other Officer employed by ſuch Governor or Commander in Chief, in Viſiting, Searching, or Seizing ſuch Ship or Ships, Goods, Merchandize, or Negroes, be corrupt, negligent, or remiſs in the Diſcharge of his Duty therein, ſuch Officer be immediately ſuſpended, if the Governor or Commander in Chief have Power to ſuſpend him; and that ſuch Governor or Commander in Chief do, by the firſt and next Opportunity, ſend an Account of ſuch Officers

Behaviour

Behaviour to One of His Majeſties Principal Secretaries of State, and to the Commiſſioners for Trade and Plantations, to the end Care may be taken that he may be removed from his Employment, and further puniſhed according to his Demerit; and that all and every the ſaid Governors and Commanders in Chief do conſtantly, from time to time, and by the firſt Opportunity that ſhall offer, ſend to ſuch Secretary of State, and to the ſaid Commiſſioners for Trade and Plantations, a true, full, and exact Account of their Proceedings, and of all other Tranſactions and Occurrences in or about the Premiſſes, or any of them. His Majeſty is further pleaſed to Order; and it is hereby Ordered, That the Commiſſioners of His Majeſties Treaſury do forthwith ſignify His Majeſties Pleaſure for the ſtrict and due Obſervance of the Laws above mentioned, and the Preventing and Puniſhing all Practices contrary thereunto, to the Commiſſioners of His Majeſties Cuſtoms, to the end they may give the proper Directions herein to the Officers of His Majeſties Cuſtoms here, and in *America*, whom it does or may concern.

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